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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/529,379 | 03/28/2005 | Riccardo Palumbo | D-43568-01 | 4566 |
| 7590 06/01/2007 Cryovac Sealed Air Corporation Law Department Post Office Box 464 Duncan, SC 29334 | | | EXAMINER KIM, SANG K | |
| | | | ART UNIT 3654 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,379

Applicant(s)

PALUMBO, RICCARDO

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 6/(1-2), 7/(1-2), 8/(1-2) and 9-10 is/are rejected.
- 7) ☒ Claim(s) 6/(3-5), 7/(3-6), 8/(3-8) is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/11/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the pinion gear attached to said core and positioned to mesh with each bevel gear," recited in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. It appears in the drawings that the bevel gear 26 and the pinion gear 24 does not show any meshing/teeth feature, thus how can it mesh with each other?

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to because of the following informalities: The content of specification is missing heading for each section. For examples, Cross-References to Related Applications; Background of the Invention; Field of the Invention; Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98; Brief Summary of the Invention; Brief Description of the Several Views of the Drawing(s); Detailed Description of the Invention; and etc.

Appropriate corrections are required.

Claim Objections

Claims 5 and 9 are objected to because of the following informalities:

In claim 5:

Line 22, "a shaft of a bag loader" should be --the bag of the shaft loader--.

In claim 9:

Line 6, "a spool of said apparatus" should be --said spool of said apparatus--.

Appropriate corrections are required.

Claims 6/(3-5), 7/(3-6), 8/(3-8) are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, thus cannot depend from any other multiple dependent claim, (e.g. claim 3). See MPEP § 608.01(n). Accordingly, the claims 6/(3-5), 7/(3-6), 8/(3-8) have not been further treated on the merits.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "satellite pinion gear" in claim 4 is used by the claim to mean "satellite pinion gear", while there are no accepted meaning for this term nor can be found in textbook or dictionary. The term is indefinite because the specification does not clearly redefine the term. In so far as the claim is understood as any pinion gear with meshing feature is same as the "satellite pinion gear".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-5, 6/(1-2), 7/(1-2), 8/(1-2) and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill, U.S. Patent No. 4796412, in view of GB, 2064477A.

Regarding claims 1, 3, 6/(1-2), 7/(1-2), 8/(1-2) and 9-10, O'Neill '412 discloses a method and an apparatus for taking up a succession of imbricated packaging bags 2a-c carried by a pair of carrier tapes 3, 4, two carrier tape winding spools 8, 9 positioned parallel with one another; and a differential gear unit 13 with a bevel gear 14 positioned outside the spools, said differential gear unit being adapted to removably connectable (i.e., gears can be disassembled by simply removing bolts and fasteners without the use of tools and using hands) to a shaft (shaft of 15) of a bag loader (no reference number assigned, near 15) whereby two carrier tapes can be wound up on said spools with equal tension, see the drawing, and column 3, lines 13-20.

GB '477 shows an apparatus for taking bags carried by a pair of carrier tapes 3, 5, two carrier tape winding spools 11, 13 positioned coaxially with one another; and a different gear unit 17 positioned in-between said spools, said differential gear unit provide each spool to wind the tapes with equal tension, see figure 2, and page 1, lines 35-43.

O' Neill '412 discloses the claimed invention except for positioning two spools coaxially and placing the differential gear in between the spools. However, O' Neill '412 recognizes that the spools can be arranged coaxially with the differential gear in-between the spools, see column 1, lines 36-49.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of O'Neill '412 by positioning the spools

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coaxially and placing the differential system in-between the spools as taught by GB '477, to show that there are many alternative arrangements for placing or rearranging the parts to provide equal tension to the tapes. Furthermore, it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claim 2, as stated above, O' Neill '412 shows each spool having a recess (no reference number assigned, aperture of 8, 9) where the differential gear unit 13 (using 11 and 12) is positioned in the recesses, see the drawing.

Regarding claims 4-5, as stated above, O' Neill '412 shows the differential gear unit 13 comprises many gears, each gear comprising a core and meshing with each other bevel gear with the core of 14 comprises a mating hole (aperture for shaft of 15) inserted into 14 mating with the shaft 15 of the bag holder, see the drawing.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record, especially U.S. Patent No. 4693372, shows the imbricated packing bags with two spools.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

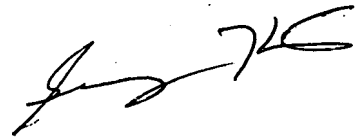
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

5/29/07

A handwritten signature in black ink, appearing to be "J. S. 7/5", located in the lower right quadrant of the page.